

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Criminal No. 10-294 (JNE/FLN)

Plaintiff,

v.

PRELIMINARY ORDER OF FORFEITURE

THEODORE STEVIE VARNER,

Defendant.

Based on the United States' motion for a Preliminary Order of Forfeiture; on the jury's verdict that Defendant Theodore Stevie Varner is guilty of Count 1 of the Superseding Indictment; and on the Court having found that certain property is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1), and 28 U.S.C. § 2461(c); the government has established the requisite nexus between such property and based on all of the files and records of this proceeding,

IT IS HEREBY ORDERED that:

1. The d'Armes Pyrenees Hendaye Francaises, model 52, .22LR caliber pistol, serial number 464985, and associated ammunition are forfeited to the United States pursuant to 18 U.S.C. § 924(d)(1), and 28 U.S.C. § 2461(c);
2. The Attorney General or his authorized designee may seize the foregoing property and maintain custody and control of the property pending the entry of a Final Order of Forfeiture;
3. The United States shall, pursuant to 21 U.S.C. § 853(n)(1), as incorporated by 28 U.S.C. § 2461(c) publish and give notice of this Order and its intent to dispose of the foregoing property in such manner as the Attorney General may direct;
4. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing, and shall be made a part of the sentence and included in the judgment;

5. Following the Court's disposition of all petitions filed pursuant to 21 U.S.C. § 853(n)(2) or, if no petitions are filed, following the expiration of the time period specified within which to file such petitions, the United States shall have clear title to the foregoing property and may warrant good title to any subsequent purchaser or transferee; and

6. This Court shall retain jurisdiction to enforce this Order, and to amend it as necessary pursuant to Fed. R. Crim. P. 32.2(e).

Dated: 3-21-2011

s/ Joan N Ericksen
JOAN N. ERICKSEN
United States District Judge